

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:05-CV-00479**

DODFORD LAW,

Plaintiff,

v.

**CONVERGYS (ONSTAR-SITEL-
CONVERGYS),**

Defendant.

**DEFENDANT'S MOTION TO DISMISS
AND RESPONSE TO PLAINTIFF'S
MOTION TO COMPLAIN**

Pursuant to Federal Rules of Civil Procedure 37(b)(2) and 41(b), Defendant Convergys Corporation hereby moves the court to dismiss Plaintiff Dodford Law's lawsuit with prejudice as a sanction for his failure to abide by this Court's August 15, 2006 Order and his complete failure to participate in discovery and otherwise prosecute his claims. Defendant also responds hereby to Plaintiff's Motion to Complaint filed on October 27, 2006. Defendant further moves the Court pursuant to Rule 37(b) to grant it reasonable attorneys' fees incurred in preparing this Motion and renews its request for attorneys' fees in connection with the filing of its prior Motion to Compel in accordance with the Court's August 16, 2006 Order. The reasons for this Motion are set forth more fully in the Memorandum of Law in Support submitted herewith.

This the 9th day of November, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DEFENDANT'S MOTION TO DISMISS** has been served upon each of the parties to this action by depositing same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Dodford Law
501 Beacon Knoll Lane
Fort Mill, SC 29708
Plaintiff, *pro se*

This 9th day of November, 2006.

s/ Jennifer F. Revelle